

MINUTES

OF THE

MARCH 14, 2019 REGULAR BUSINESS MEETING



OF THE

OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 15, 2018 at 4:02 p.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE MARCH 14, 2019 REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on March 14, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah Greenwalt, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Eric Russell, WCC; Dr. Jay Cannon, WCC; and James Lawson, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

1. Approval of Minutes

Chairman Liotta presented the minutes of the February 14, 2019 public meeting for approval.

Motion: Commissioner Tilly moved to approve the minutes of the February 14, 2019 public meeting.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly

The motion carried.

2. Discussion and Consideration of Reducing the Security Deposit of Yaffe Companies, a Former Own Risk Employer, Permit #11794

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance.

A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission considered reducing the security deposit of Yaffe Companies.

James Lawson was recognized, reported, gave his recommendation and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to reduce the security deposit as recommended for this former self-insured.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly

The motion carried.

3. Discussion and Consideration of Assessment and Assessment Rate for the Multiple Injury Trust Fund (MITF)

Title 85A O.S. § 31 directs the Commissioners of the Workers' Compensation Commission to establish an assessment rate applicable to each mutual or interinsurance association, stock company or other insurance carrier writing workers' compensation insurance in this State, each employer carrying its own risk, and each group self-insurance association, for purposes of computing the assessment necessary to pay the annual obligations of the MITF determined on or before December 31 of each year by the MITF Director, to be outstanding for the next calendar year. The rate shall be equal for all parties required to pay the assessment. The maximum assessment rate is six percent (6.00%). The Commission considered establishing the assessment rate for the MITF for the four-quarter period of July 1, 2019 through June 30, 2020.

James Lawson was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to establish the assessment rate for the MITF at six percent (6%) as proposed.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly

The motion carried.

4. Discussion and Consideration of Current Commission Policies

The Commission discussed and considered adopting and/or modifying the following policy:

- a) WCC-2 – Travel Policy

Collin Fowler was recognized, reported and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to continue this agenda item.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly

The motion carried.

5. Consent Agenda for Travel Vouchers Currently Outstanding:

Title 85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers. All vouchers listed within this Consent Agenda were made available to each Commissioner prior to the meeting, were considered routine, and were enacted by one motion of the Commission.

Motion: Commissioner Tilly moved to approve the Consent Agenda as presented.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried.

6. Discussion and Consideration of the Adoption of Proposed Changes to the Commission's Permanent Rules

The Commission considered adopting proposed changes to its permanent rules, and will consider and discuss comments submitted during the comment period and made at the Commission's public hearing on the rules.

If the proposed changes are adopted and submitted for legislative review on or before April 1, 2019, the Legislature will have until the end of the 2019 legislative session to approve or disapprove the rules. If approved, the permanent rules will

become effective ten (10) calendar days after publication in The Oklahoma Register.

Motion: Commissioner Tilly moved to adopt proposed amendments to the rules striking the new language in 810:10-1-6 as presented.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried.

7. Legislative Update Report

Commissioner Russell gave a report on legislative meetings and legislation affecting the Commission. This report was presented for informational purposes only.

NO ACTION WAS TAKEN.

8. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) for the Purpose of Discussing Personnel Issues:

A. Motion and Vote to enter into Executive Session.

Motion: Commissioner Tilly moved to enter into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried.

B. Motion and Vote to Reconvene in Open Session.

Motion: Commissioner Tilly moved reconvene in Open Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried.

C. Motion from Executive Session.

Motion: Commissioner Tilly moved to employ Candidate A at the salary Discussed in Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried.

9. Announcements

The Commission's next regularly scheduled business meeting is on April 18, 2019. The Commission's next appeals meeting is on March 15, 2019.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried. The meeting adjourned.